REMARKS

In the Office Action, Claims 1-36 were examined and stand rejected. In response, Claims 1, 6, 12, 15, 19, 22, 25, 28 and 34 are amended, no claims are added and no claims are cancelled. Applicant respectfully requests reconsideration of pending Claims 1-36 in view of the above amendments and the following remarks.

I. Claims Rejected Under 35 U.S.C. §103

The Examiner has rejected Claims 1, 4, 6-8, 11-26, 28-29 and 33-36 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,298,482 issued to Seidman et al. ("Seidman") in view of U.S. Patent Application Publication No. 2002/0087969 issued to Brunheroto et al. ("Brunheroto") and further in view of U.S. Patent No. 6,002,393 issued to Hite et al. ("Hite"). Applicant respectfully requests reconsideration of this rejection in view of the amendments to Claims 1, 6, 12, 15, 19, 22, 25, 28 and 34 and the following remarks.

Regarding Claim 1, Claim 1 recites at least the following claim feature which is neither taught nor suggested by the combination Seidman in view of Brunheroto and Hite:

> broadcasting meta-data to one or more client systems, including descriptions of a plurality of available for broadcast data files from a broadcast server of a service provider system and a plurality of upcoming data files to be broadcast to the one or more client system by a broadcast server of a broadcast service system that is separate from the service provider system. (Emphasis added.)

While Applicant's argument here is directed to the cited combination of references, it is necessary to first consider their individual teachings, in order to ascertain what combination (if any) could be made from them.

Seidman discloses a system for two-way digital multi-media broadcast and interactive services; however, the content provider in the viewer response system, as taught by Seidman, is a single content provider having various video and audio streams, which may be concurrently provided from a single server (head end) to a plurality of subscribers connected to the server, as a

multiplex for navigation thereof by the subscribers. (*See*, col. 5, lines 3-5.) The Examiner cites Brunheroto to rectify the failure of Seidman to teach a broadcast server of a service provider system and … a broadcast server of a broadcast service system that is separate from the service provider system, as in Claim 1.

Assuming, arguendo, that the global tracking unit 107 is linked to a web server 106 (service provider system) that is separate from the interactive TV content creation and the TV broadcast station 112 (a broadcast server of a broadcast service system), as suggested by the Examiner (see page 4, ¶ 2 of the Office Action mailed 3/22/07), Brunheroto fails to teach that such web server 106 broadcasts a data file that is to be broadcast by TV broadcast station 112, as in Claim 1. Rather than broadcast at least one data file that is to be subsequently broadcast by a broadcast server of a broadcast service system, as in Claim 1, the web server referred to by the Examiner does not broadcast content but in fact is used to track audience viewing of the interactive content provided to the broadcast station for broadcast via broadcast network 113 which is shown as block 305 in FIG. 3, with tracking server 307 corresponding to web server 106 as shown in FIG. 1. (*See* page 5, ¶ [0074].)

As correctly recognized by the Examiner, Seidman and Brunheroto fail to teach or suggest the broadcasting of at least one upcoming data file by the broadcast server of the service provider system to the one or more client systems for selective storage therein according to respective content rating tables as the one or more client systems prior to the broadcast of the upcoming data file by the broadcast server of the broadcast service system. (*See*, pg. 4, ¶ 3 of Office Action.) As a result, the Examiner cites Hite, which according to the Examiner, teaches the above-recited feature of Claim 1. (*See*, Hite, col. 12, lines 13-28 28 and 25-28.)

Although Hite discloses that it is possible to pre-store commercials, such that commercials of this implementation are available at the moment needed without concern for the timing on other channels (*see* col. 12, lines 13-27), we submit that such pre-stored commercials would refer to commercials that are not to be broadcast at a set time according to, for example, a thirty second commercial spot during which Hite teaches that a number of commercials might be broadcast simultaneously over different separate channels. (*See*, col. 4, lines 22-35.) In fact, we

submit that such pre-stored commercials are used for situations where time synchronization of several channels of alternate commercials is not possible without causing conflicts with normally scheduled preemptable commercials. (*See* col. 12, lines 21-25.) Hence, although such commercial is broadcast prior to a commercial spot, we submit that such pre-stored commercials are not subsequently broadcast to a user as such additional broadcast of the pre-stored commercials would be a waste of broadcast bandwidth.

In contrast with Claim 1, the broadcast server of the service provider system is separate from the broadcast server of the broadcast service system and, hence, may broadcast an upcoming data file for selective storage within one or more client systems prior to the broadcast of that upcoming data file by the broadcast server of the broadcast service system, as in Claim 1. As a result, we submit that Hite fails to teach that a pre-stored commercial would be subsequently broadcast since such subsequent broadcast would be a waste of broadcast bandwidth as such pre-stored commercials are already contained on a user's set top box.

Hence, no combination of Seidman in view of Brunheroto and further in view of Hite could teach or suggest "broadcasting, by a broadcast server of a service provider system, at least one upcoming data file for selective storage within one or more client systems prior to broadcast of the at least one upcoming data file by the broadcast server of a broadcast service system," as in Claim 1.

For each of the above reasons, therefore, Claim 1 and all which depend from Claim 1 are patentable over the combination of Seidman in view of Brunheroto and further in view of Hite as well as the references of record. Consequently, Applicant respectfully request that the Examiner reconsider and withdraw the §103 rejection of Claims 1 and 4.

Each of Applicant's other independent claims includes limitations similar to those in Claim 1 discussed above. For example, independent Claims 6, 19 and 28 recite the receipt of an upcoming data file broadcast by the broadcast server of the service provider system prior to broadcast of the upcoming data file by the broadcast server of the broadcast service system, which is neither taught nor suggested by the combination of Seidman in view of Brunheroto and further in view of Hite, for at least the reasons described above.

Similarly, Claims 12 and 22 recite "when a data file from the subset of the plurality of upcoming data files is subsequently broadcast by the broadcast server of the broadcast service system based on the broadcast schedule, storing the data file based on the content rating tables." For at least the reasons provided above, we submit that the above recited feature of Claims 12 and 22 is also neither taught nor suggested by the prior art combination of Seidman in view of Brunheroto and further in view of Hite.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the §103 rejection of Claims 1-36.

DEPENDENT CLAIMS

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

CONCLUSION

In view of the foregoing, it is submitted that Claims 1-36 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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Dated: 6/11/07

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

_____ 6/11/07
Suzanne Johnston Date